

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DREAMDEALERS USA, LLC dba
EXOTICS RACING,

Plaintiff(s),

v.

LEE POH SUN aka JAMES LEE POH
SUN,

Defendant(s).

2:13-CV-1605 JCM (VCF)

ORDER

Presently before the court are Magistrate Judge Ferenbach's report and recommendation that defendants Dreamdealers USA, LLC, and Brandon Grade's motion to dismiss be converted into a motion for summary judgment and denied. (Doc. # 28). No objections have been filed to the report and recommendation and the deadline to do so has expired.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
2 judge's report and recommendation where no objections have been filed. *See United States v.*
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
4 district court when reviewing a report and recommendation to which no objections were made); *see*
5 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
8 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
9 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in
14 full.

15 The court notes that the same report and recommendation has been issued in *Dreamdealers*
16 *USA, LLC v. Sun*, case no. 2:13-cv-373-JCM-VCF. The instant case has since been consolidated into
17 that matter. For sake of clarity, the court will issue a separate order on that report and
18 recommendation.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate judge's report
21 and recommendation (doc. # 28) be, and the same hereby are, ADOPTED in their entirety.

22 IT IS FURTHER ORDERED that defendants' motion to dismiss (doc. # 8) be converted into
23 a motion for summary judgement and DENIED.

24 DATED April 25, 2014.

25
26 
27 UNITED STATES DISTRICT JUDGE
28